PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	

Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below	
International application No. PCT/GB2004/004554	International filing date *(day/month/year)* 28.10.2004	Priority date *(day/month/year)* 28.10.2003

International Patent Classification (IPC) or both national classification and IPC
G06F9/445

Applicant
SYMBIAN SOFTWARE LIMITED

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1. This opinion contains indications relating to the following items:

    ☒ Box No. I   Basis of the opinion

    ☐ Box No. II   Priority

    ☐ Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

    ☐ Box No. IV   Lack of unity of invention

    ☒ Box No. V   Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

    ☐ Box No. VI   Certain documents cited

    ☐ Box No. VII   Certain defects in the international application

    ☐ Box No. VIII   Certain observations on the international application

2. **FURTHER ACTION**

    If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

    If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

    For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Dewyn, T Telephone No. +31 70 340-2145

Form (PCT/ISA/237) (Cover Sheet) (January 2004)

Box No. I   Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language   , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ in written format

   ☐ in computer readable form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in computer readable form.

   ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. V   Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-5
	No:	Claims	1,6-9
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-9
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

1. Reference is made to the following documents:

    D1: US 2002/033838 A1 (KRUEGER SCOTT ET AL) 21 March 2002 (2002-03-21)
    D2: US-B1-6 323 865 (COLLETTI JOHN C) 27 November 2001 (2001-11-27)

2. The present application does not meet the requirements of Article 33(1) PCT,
    because the subject-matter of claims 1,6-9 is not new in the sense of Article 33(2)
    PCT.

2.1 Document D1 discloses the subject-matter of claim 1 :

    A method of providing a link between an application program and a function in a
    dynamic link library of a computing device (page 3, paragraph [0036]), the method
    comprising :
    providing a remapping component (page 4, paragraph [0042] : "impersonation
    process") arranged to provide, in response to a call by the application program to link
    to the function at an address location in a first dynamic link library, an address
    location for the function in a further dynamic link library, so as to enable the
    application program to link directly to the function in the further dynamic link library
    (page 4, paragraphs [0042],[0043] : "The impersonation process then substitutes this
    address...", "...it instead finds the address of the substitute function").

    The subject-matter of claim 1 is therefore not new (Article 33(1) and (2) PCT).

    For the same reasons, the subject-matter of corresponding claims 8,9 is also not new
    (Article 33(1) and (2) PCT).

2.2 The subject-matter of dependent claims 6,7 is not new, since D1 discloses that the
    link between application program and dynamic link library can be arranged both by
    ordinal and by name (page 3, paragraph [0036]).

3.   The present application does not meet the requirements of Article 33(1) PCT,
      because the subject-matter of claims 2-5 does not involve an inventive step in the
      sense of Article 33(3) PCT.

3.1   The subject-matter of dependent claims 2,3 does not involve an inventive step : D1
      discloses the possibility of using relocation instructions to insert adresses in the
      import table of an application. However, D2, which also deals with remapping DLL
      functions, discloses the solution of claims 2 and 3, namely inserting adresses in the
      export table of the DLL (see D2, column 2, lines 58-63, column 3, lines 11-15).

3.2   The subject-matter of dependent claims 4,5 does not involve an inventive step, since
      it would be obvious that the method of claim 1 can be used for a plurality of dynamic
      link libraries.